recording is constructive notice because examination of the records would give actual notice, the purchaser should be able to rely upon them safely. *Lessee of Jennings* v. *Wood*, 20 Oh. 261. Many statutes, however, like the one in the principal case, make mortgages recorded within a specified time valid against purchasers although the purchase is within that time. CODE OF S. C., 1902, § 2456. Such statutes seem to prescribe the diligence necessary on the part of the mortgagee and to be complied with sufficiently by deposit of the mortgage for record. The principal case, however, follows the settled rule in its jurisdiction. *Burriss* v. *Owen*, 76 S. C. 481, 57 S. E. 542.

RIGHT OF PRIVACY — INFRINGEMENT OF THE RIGHT — PUBLICATION OF PORTRAIT IN NEWSPAPER. — The defendant newspaper published a picture of the plaintiff without her consent in connection with an article concerning charges of crime against her father. *Held*, that the plaintiff cannot recover. *Hillman* v. *Star Pub. Co.*, 117 Pac. 594 (Wash.).

The case swings the numerical weight of American authority against recognition of the right of privacy in absence of statute. For a recent case *contra*, see 24 HARV. L. REV. 680; for a discussion of the principles involved, see 4 HARV. L. REV. 193.

STATUTE OF FRAUDS — PART PERFORMANCE — ACCEPTANCE OF RENT AS RATIFICATION OF LEASE. — The petitioner's agent, without the written authority required by statute, made a written lease of the petitioner's premises to the defendant for five years. The defendant took possession under the lease and the petitioner for two years accepted the rents when due. *Held*, that the petitioner cannot oust the defendant on thirty days' notice. *Matter of Di Marti*, 72 N. Y. Misc. 148 (Sup. Ct.).

Apart from any element of equitable estoppel, the ratification by a principal of a contract for lease of lands made by his agent must be in writing, when the statute provides that such agent must be appointed in writing. *Long* v. *Poth*, 16 N. Y. Misc. 85, 37 N. Y. Supp. 670. *Cf. Johnson* v. *Fecht*, 185 Mo. 335, 83 S. W. 1077. But *cf. Hammond* v. *Hannin*, 21 Mich. 374. However, part performance under a lease invalid under the statute may be sufficient ground for preventing the lessor from setting up the statute. *Gibbs* v. *Horton Ice Cream Co.*, 61 N. Y. App. Div. 621, 71 N. Y. Supp. 193. Taking possession and paying rent has been held sufficient. *Trammell* v. *Craddock*, 100 Ala. 266, 13 So. 911; *Walsh* v. *Rundlette*, 9 D. C. 114. But in the principal case it is not shown that the tenant has not received full value by use and occupation for the rent paid. Thus it would seem that part performance must here rest upon possession alone. *Contra*, *Eaton* v. *Whitaker*, 18 Conn. 222. But, it is submitted, mere possession should not be sufficient ground for disregarding the statute unless dispossessing the lessee would impose irreparable hardship upon him. *Henley* v. *Cottrell Real Estate, etc. Co.*, 101 Va. 70, 43 S. E. 191. See *Miller* v. *Ball*, 64 N. Y. 286, 292. But *cf. Cooper* v. *Newton*, 68 Ark. 150, 157, 56 S. W. 867, 870. As it is not shown that such hardship would accrue in the principal case, the lease should not be taken out of the statute. See 22 HARV. L. REV. 384; 20 HARV. L. REV. 335. However, if the rent was payable at a yearly rate, the decision would be correct, as a tenancy from year to year would have been established. *Coudert* v. *Cohn*, 118 N. Y. 309, 23 N. E. 298. *Cf. Julian* v. *Berardini*, 49 N. Y. Misc. 119, 96 N. Y. Supp. 1064.

TAXATION — PROPERTY SUBJECT TO TAXATION — DOWER NOT SUBJECT TO INHERITANCE TAX. — A suit was brought to collect an inheritance tax upon the defendant's dower under a statute taxing all property passing "under the intestate laws." *Held*, that dower is not subject to the tax. *Crenshaw* v. *Moore*, 137 S. W. 924 (Tenn.). See NOTES, p. 181.

TAXATION — REMEDIES FOR WRONGFUL TAXATION — INTERPLEADER. — The executors of a will were taxed on the estate in Boston, as executors, and in three other municipalities, as trustees. They filed a bill in equity, making the four municipalities defendants and seeking to compel them to interplead and determine the validity of the several assessments. *Held*, that the bill does not lie. *Welch* v. *City of Boston*, 94 N. E. 271 (Mass.). See NOTES, p. 174.

TORTS — ERECTION OF SPITE FENCE TO INTIMIDATE LITIGANT. — The defendant, who had been temporarily enjoined at the suit of a neighbor from keeping dogs on his land, threatened to erect a twenty-foot fence on the plaintiff's line unless she desisted from prosecuting the suit. The plaintiff persisted and the fence was erected. Having failed to remove the dogs, the defendant was fined for contempt. *Held*, that an amended petition for the removal of the fence should be granted. *Wilson* v. *Irwin*, 138 S. W. 373 (Ky.).

The order requiring the removal of the fence is obviously not a means of bringing pressure to bear on the defendant to perform the first decree. Moreover, it can scarcely be contended that it constitutes punishment for the criminal contempt of court involved in the attempted intimidation of the plaintiff, since such punishment has been limited to fine and imprisonment. See OSWALD, CONTEMPT OF COURT, ch. XIII. The only ground, therefore, on which the decision can be supported is that the malicious erection of the fence was a violation of a right of the plaintiff for which the redress to be obtained in a suit at law was inadequate. In many jurisdictions such a right is recognized. *Bayer* v. *Barrington*, 151 N. C. 433, 66 S. E. 439. *Contra*, *Russel* v. *State*, 32 Ind. App. 243, 69 N. E. 482. *Cf. Burke* v. *Smith*, 69 Mich. 380, 37 N. W. 838. The absence of any doubt in the present case that injury to the plaintiff was the sole motive inducing the erection of the fence negatives one of the strongest grounds on which relief has been denied to the plaintiff in the cases denying the right. Indeed, in a previous case involving similar facts this very court held that no action lay. *Saddler* v. *Alexander*, 21 Ky. L. Rep. 1835, 56 S. W. 518.

VESTED, CONTINGENT, AND FUTURE INTERESTS — LIABILITY OF FUTURE INTERESTS IN PERSONALTY FOR OWNER'S DEBTS. — Personal property was bequeathed to trustees for the use of the testator's wife during her natural life, and after her death to be divided between the testator's son and daughter, if they should survive his wife and attain the age of twenty-five years. A creditors' suit was instituted in the lifetime of the widow and before the children had reached twenty-five, to compel the sale of the son's interest to satisfy a judgment against him. *Held*, that the plaintiff is entitled to this relief. *National Park Bank* v. *Billings*, 144 N. Y. App. Div. 536, 129 N. Y. Supp. 846. See NOTES, p. 171.

WITNESSES — FEES — WHAT IS ATTENDANCE UPON COURT. — The plaintiff was summoned to testify before a police court, and, being unable, since he was a stranger in the town, to furnish security for his appearance at the next term of court, was detained in jail. *Held*, that he can recover fees for the period of detention. *Kirke* v. *Strafford County*, 80 Atl. 1046 (N. H.).

Statutes compensating witnesses for their services uniformly fix *per diem* fees for attendance upon court. PUB. STAT. AND SESS. LAWS OF N. H., 1901, c. 287, § 13; CODE OF IA., 1897, § 4661; 1 PUB. GEN. LAWS OF MD., 1904, Art. 35, § 11. The conflict of authority in the case of a witness imprisoned for failure to obtain security is therefore only explicable as a difference in construction of the term "attendance." Some courts construe it strictly to mean attendance upon the court when in session, and deny recovery for the period of detention. *Marshall County* v. *Tidmore*, 74 Miss. 317, 21 So. 51; *State ex rel. Sawyer* v. *Greene*,